IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

S.A.No.109 of 2006

(M/s.Shaha Ratansi Khimji & Sons through its partners V/s.Proposed Kumbhar Sons Hotel Pvt.Ltd. through its Chief Promoter.)

Office Notes, Office Memo-randa of Coram, Apperances Courts orders or directions and Registrar's orders	Court's or Judges Orders

Mr.P.B.Shah for the Appellants.
Mr.Y.S.Jahagirdar, Sr.Advocate with Mr.N.D.Hombalkar for the Respondents.

CORAM: DR.S.RADHAKRISHNAN,J.
DATE : 18th July, 2006

P.C.:

1. Heard the learned Counsel for the parties. Perused the judgments and orders of both the Courts below. Both the Courts below have given concurrent findings. The learned Counsel for the Appellants strongly sought to contend that the Respondent landlord had demolished the walls of the godown. On the contrary both the Courts below have concurrently held that in the year 1990 itself three walls had already collapsed and the fourth wall collapsed in the year 1996 and that thereby the Appellants tenancy rights had lapsed. There is no substantial questions of law involved in this Appeal. Appeal therefore stands dismissed.

2. Mr.Shah, the learned Counsel for the Appellants categorically states that as of today there is no structure standing thereon. Mr.Shah however prays for a status-quo as of today for a period of four weeks. Hence there shall be a status-quo as of today for a period of four weeks from today.

3. Mr.Shah, the learned Counsel for the Appellants also concedes that the construction which is being carried on by the Respondents is not on the very same site.

(DR.S.RADHAKRISHNAN,J.)